

# DEPARTMENT OF LABOR AND ECONOMIC GROWTH

## DIRECTOR'S OFFICE

### CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on September 8, 2005  
These rules take effect immediately upon filing with the Secretary of State

(By authority conferred on the director of the department of labor and economic growth by sections 19 and 21 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-2 and 2003-1, MCL 408.1019, 408.1021, 445.2001, and 445.2011)

R 408.43001, R 408.43002, R 408.43003, and R 408.43005 of the Michigan Administrative Code are amended and R 408.43006 is added as follows:

### PART 30. TELECOMMUNICATIONS

R 408.43001 Adoption of federal O.S.H.A. standard.

Rule 3001. (1) ~~Section 1910.268 of the O.S.H.A. safety and health regulations for general industry, from title 29 of the Code of Federal Regulations (C.F.R.) is incorporated herein by reference.~~ **The federal occupational safety and health administration's regulations on telecommunications that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.268, are adopted by reference in these rules as of the effective date of these rules,** except as noted in subrules (2) of this rule. ~~and (11) of this rule., and may be inspected at the Lansing office of the department of consumer and industry services. The federal construction standard may be purchased at a cost of 75 cents by ordering the March 26, 1975, volume 40, number 59, edition of the Federal Register from the Superintendent of Documents, Washington, D.C. 20402, or from the O.S.H.A. area office, 226 Bagley, Detroit, Michigan 48226. This section may also be purchased at a cost of 20 cents from the Michigan Department of Consumer and Industry Services, State Secondary Complex, 7150 Harris Drive, Lansing, Michigan 48926.~~

(2) Paragraphs (a)(2)(i) and (a)(3) of 29 C.F.R. §1910.268 are excepted.

(3) As of the effective date of ~~this part~~ **these rules**, the words "for purposes of 1910.35(a) **29 CFR 1910.34,**" as used in 29 C.F.R. §1910.268(b)(1)(iii), are excepted.

(4) As of the effective date of ~~this part~~ **these rules**, ~~section §1910.110, referenced in 29 C.F.R. §1910.268(b)(4), means rule 3003~~ **R 408.43003** of this part.

#### REFERENCES

Federal	State
1910.110	Rule 3003

(5) As of the effective date of ~~this part~~ **these rules**, the words "Assistant Secretary for Occupational Safety and Health," as used in 29 C.F.R. §1910.268(c), mean director of the department of ~~consumer and industry services~~ **labor and economic growth**.

(6) **As of the effective date of these rules, §1910.137, referenced in 29 C.F.R. §1910.268(f)(1), means general industry safety standard Part 33. Personal Protective Equipment, R 408.13387.**

(6) **(7)** As of the effective date of ~~this part~~ **these rules**, the words "Subpart D of this part," as used in 29 C.F.R. §1910.268(h)(1), mean **construction safety standard Part 11. Fixed and Portable Ladders, R 408.41101 et seq.** ~~of the rules of the construction safety standards commission.~~

June 24, 2005

REFERENCES	
Federal	State
Subpart D	Part 11, Ladders and Scaffolding

(7) (8) As of the effective date of this part **these rules**, section §1910.25(c)(5), referenced in 29 C.F.R. §1910.268(h)(5), means rule 3004 **R 408.43004** of this part.

REFERENCES	
Federal	State
1910.25(c)(5)	Rule 3004

(8) (9) As of the effective date of this part **these rules**, sections §§1910.133(a)(2) to (a)(6), referenced in 29 C.F.R. §1910.268(i)(2), mean **construction safety standard** Part 6. **Personal Protective Equipment, R 408.40601 et seq.** of the rules of the construction safety standards commission.

REFERENCES	
Federal	State
1910.133(a)(2) to (a)(6)	Personal Protective Equipment

(9) (10) As of the effective date of this part **these rules**, subpart Q, referenced in 29 C.F.R. §1910.268(i)(9), means **construction safety standard** Part 7. **Welding and Cutting, R 408.40701 et seq.** of the rules of the construction safety standards commission.

REFERENCES	
Federal	State
Subpart Q	Part 7, Welding and Cutting

(10) (11) As of the effective date of this part **these rules**, the words "Subpart W of Part 1926 of this title," as used in 29 C.F.R. §1910.268(j)(2)(i), mean **construction safety standard** Part 13. **Mobile Equipment, R 408.41301 et seq.** of the rules of the construction safety standards commission.

REFERENCES	
Federal	State
Subpart W	Part 13, Mobile Equipment

(11) Paragraphs (b)(1)(i), (b)(3), (b)(8), (i)(3)(ii), (o)(2), (p)(2), and (p)(3) of 29 C.F.R. §1910.268 are excepted. These paragraphs have been adopted by the Michigan department of public health environmental quality as R 325.2491.

REFERENCES	
Federal OSHA	State Department of Consumer and Industry Services
1910.110.268(b)(1)(i), (b)(3), (b)(8), (i)(3)(ii), (o)(2), (p)(2), and (p)(3)	R 325.2491

(12) As of the effective date of these rules, American National Standards Institute (ANSI) standard J6.6-1971, referenced in 29 C.F.R. §1910.268(n)(11)(iv), means American Society for Testing and Materials (ASTM) standard D 120, Standard Specification for Rubber Insulating Gloves, 1977 edition.

(13) As of the effective date of these rules, §1910.97, referenced in 29 C.F.R. §1910.268(p)(2), means occupational health standard Part 382. Nonionizing Radiation, R 325.60701 et seq.

**(14) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 et seq.**

**(15) These rules replace occupational health rule 6701.**

R 408.43002 Applicability.

Rule 3002. Operations or conditions not specifically covered by ~~this part~~ **these rules** are subject to all the applicable standards promulgated by the construction safety standards commission. Operations which involve general industrial work are subject to all the applicable standards promulgated by the occupational **health and general industry** safety standards commissions.

R 408.43003 Vehicles fueled by LP gas; storage or service; repair; parking.

Rule 3003. (1) Vehicles fueled by LP gas may be stored or serviced inside garages if there are no leaks in the fuel system and the fuel tanks are not filled beyond the maximum filling capacity specified in table 1.

TABLE 1  
MAXIMUM PERMITTED FILLING DENSITY  
Aboveground containers

Specific gravity at 60°F. (15.6°C.)	0 to 1,200 U.S. gals. (1,000 imp. gal., 4,550 liters) total water cap.	Over 1,200 U.S. gals. (1,000 imp. gal., <del>4,500</del> <b>4,550</b> liters) total water cap.	Underground containers, all capacities
	Percent	Percent	Percent
.496-.503	41	44	45
.504-.510	42	45	46
.511-.519	43	46	47
.520-.527	44	47	48
.528-.536	45	48	49
.537-.544	46	49	50
.545-.552	47	50	51
.553-.560	48	51	52
.561-.568	49	52	53
.569-.576	50	53	54
.577-.584	51	54	55
.585-.592	52	55	56
.593-.600	53	56	57

(2) Vehicles fueled by LP gas which are being repaired in garages shall have the container shutoff valve closed except when fuel is required for engine operation.

(3) Vehicles fueled by LP gas shall not be parked near sources of heat, open flames, or similar sources of ignition, or near open pits, unless the pits are adequately ventilated.

R 408.43005 Employer responsibility.

Rule 3005. Where personal protective equipment is required by any provision of 29 C.F.R. §1910.268 Telecommunications, adopted by reference in R 408.43001, that personal protective equipment shall be provided for and as prescribed in construction safety standard Part 6. Personal Protective Equipment, ~~being R 408.40601 et seq. of the Michigan Administrative Code.~~

**R 408.43006 Availability of documents.**

**Rule 3006. (1)** The federal regulations adopted by reference in these rules are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 315 West Allegan, Room 315, Lansing, Michigan 48933, or via the internet at website: [www.osha.gov](http://www.osha.gov), or from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909.

(2) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: [www.michigan.gov/mioshastandards](http://www.michigan.gov/mioshastandards). For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 6. Personal Protective Equipment, R 408.40601 et seq.

(b) Construction Safety Standard Part 7. Welding and Cutting, R 408.40701 et seq.

(c) Construction Safety Standard Part 11. Fixed and Portable Ladders, R 408.41101 et seq.

(d) Construction Safety Standard Part 13. Mobile Equipment, R 408.41301 et seq.

(e) General Industry Safety Standard Part 33. Personal Protective Equipment, R 408.13387.

(f) Occupational Health Standard Part 382. Nonionizing Radiation, R 325.60701 et seq.

(3) The following standards are referenced in these rules and are available from Global Engineering Documents, 15 Inverness Way East, Englewood, Colorado, 80112, telephone number 1-800-854-7179, website: [www.global.ihc.com](http://www.global.ihc.com), at a cost as of the time of adoption of these rules, as stated in this rule:

(a) American Society for Testing and Materials (ASTM) standard B117-64, Standard Practice for Operating Salt Spray (Fog) Apparatus. Cost: \$40.00.

(b) American National Standards Institute (ANSI) standard Z89.2-1971, Industrial Protective Helmets for Electrical Workers. Cost: \$25.00.

(c) American National Standards Institute (ANSI) standard B30.6-1969, Safety Code for Derricks. Cost: \$40.00.

(d) American Society for Testing and Materials (ASTM) standard D 120, Standard Specification for Rubber Insulating Gloves, 1977 edition. Cost: \$54.00.

(e) American National Standards Institute (ANSI) standard A92.2-1969, Vehicle-Mounted Elevating and Rotating Devices. Cost: \$20.00.